IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

LA.App..No. 275 of 2001(C)

LAR.542/1993 of SUB COURT, MAVELIKKARA
.....

APPELLANT:

P.T.KOSHY, S/O.THOMAS, PALAMOOTTIL VADAKKETHIL,
CHIRAYIL MANAKAD MURI, MAVELIKARA

BY ADV. SRI.T.S.HARIKUMAR

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY DISTRICT COLLECTOR,
ALAPPUZHA

*ADDL.R2 IMPLEADED:

2. THE MUNICIPAL COUNCIL, MAVELIKKARA MUNICIPALITY,
MAVELIKKARA REP. BY THE SECRETARY.

*ADDL. 2ND RESPONDENT IS IMPLEADED VIDE ORDER DT. 20-3-2006
IN I.A.NO.4267/2004

BY ADV. SRI.S.VIJAYAKUMAR
GOVERNMENT PLEADER SMT.K.R.DEEPA
SRI.R.RENJITH

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 27/09/2007, ALONG WITH L.A.A.NO.497/2001 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.Nos.275 & 497 of 2001

Dated this the 27th day of September, 2007

JUDGMENT

Kurian Joseph,J.

These are appeals filed against the judgment and decree in L.A.R.No.542/1993 on the file of the Sub Court, Mavelikkara, the former by the claimant and the latter by the State. Though the parties have taken several contentions and addressed vehement arguments, in view of the contention made by the Municipality that being the requisitioning authority it should have been given an opportunity before the reference court, we are of the view that it is not necessary for this court to go into the various contentions advanced by the parties on merits. The reference court should consider the matter afresh with notice to the requisitioning authority also. Accordingly we set aside the judgment and decree in L.A.R.No.542/1993 on the file of the Sub Court, Mavelikkara and remit the matter to the said court. There will be a direction to the reference court to implead the requisitioning authority, namely the Mavelikkara Municipality, in

the proceedings and dispose of the reference within a period of four months from the date of receipt of a copy of the judgment. We make it clear that it will be open to the parties to adduce fresh evidence.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.Nos.275 & 497 of 2001

JUDGMENT

27th September, 2007